

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN THE MATTER OF:

**EDGAR AMERICO MARTINEZ ROSARIO
GRISELL MARIE COVAS TORO**

DEBTOR(S)

CASE NUMBER: 08-08071 GAC

CHAPTER 13 (ASSET CASE)

DEBTOR'S MOTION UNDER SECTION 1329 OF THE BANKRUPTCY CODE

THE HONORABLE COURT:

COMES NOW, Debtor (s) through the undersigned attorney and respectfully ALLEGES and PRAYS:

1. That debtor (s) filed and circulated a MODIFIED PLAN to all parties in interest.

2. That the modification is based in that the Debtor (s) wants to amend their plan in order to:

a. To provide for the Lift of Stay in favor of Doral Financial, account ending #0644 and Doral Bank, account ending #6762.

3. Debtor (s) amend plan call for six(6) payments of \$450.00, thirty (30) payments of \$550.00, twenty four (24) payments of \$600.00 and a Lump Sum Payment in month number (54) fifty four for a total base of \$36,100.00 dollars with a provision for the payment of arrears to Doral Bank, account ending number-3181, the payment in full to BBVA, account ending number 2166.

4. Debtor (s) are still is interested in continuing with the bankruptcy procedures and proof if the amendment of the plan in order to comply with the disbursement schedules. To includes Priority debt to Treasury Department (Hacienda).

WHEREFORE, Debtor (s) respectfully request from this Honorable Court to accept this motion and grant debtor (s) the opportunity to modify the confirmed plan according to 11 US 1329 and provide any other remedy it may deem appropriate.

NOTICE

"Parties in interest are notified the have twenty (20) days to reject a proposed modification of a plan and request a hearing. If no opposition is filed within the prescribed period of time, the Court will enter and order granting the motion upon the filing of a certificated of service by the movant that adequate notice was given. Should and apposition be timely filed. The Court will schedule the motion for a hearing as a contested matter. Absent good cause, untimely rejections shall be denied".

In San Juan, Puerto Rico, this 15th, day of May, 2009.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Alejandro Oliveras, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED.

/s/ Marilyn Valdes Ortega
MARILYN VALDES ORTEGA
USDC PR 214711
P.O. Box 19559
San Juan, PR 00919-5596
Tel. (787) 758-4400
Fax. (787) 763-0144
E-mail valdeslaw@prtc.net

**United States Bankruptcy Court
District of Puerto Rico**

IN RE:

Case No. **08-08071 GAC**

MARTINEZ ROSARIO, EDGAR AMERICO & COVAS TORO, GRISELL MARIE

Chapter **13**

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN

1. The future earnings of the Debtor(s) are submitted to the supervision and control of the Trustee and the Debtor(s) shall make payments to the Trustee ☐ directly ☒ by payroll deductions as hereinafter provided in the PAYMENT PLAN SCHEDULE.
2. The Trustee shall distribute the funds so received as hereinafter provided in the DISBURSEMENT SCHEDULE.

PLAN DATED: _____

☒ AMENDED PLAN DATED: **5/11/2009**

☐ PRE ☐ POST-CONFIRMATION

Filed by: ☒ Debtor ☐ Trustee ☐ Other

I. PAYMENT PLAN SCHEDULE

\$ **450.00** x **6** = \$ **2,700.00**
 \$ **550.00** x **30** = \$ **16,500.00**
 \$ **600.00** x **24** = \$ **14,400.00**
 \$ _____ x _____ = \$ _____
 \$ _____ x _____ = \$ _____

TOTAL: \$ **33,600.00**

Additional Payments:

\$ **2,500.00** to be paid as a LUMP SUM within **54 months** with proceeds to come from:

☐ Sale of Property identified as follows:

☒ Other:

PERIODIC PAYMENTS COME FROM TAX RETURNS

Periodic Payments to be made other than, and in addition to the above:

\$ _____ x _____ = \$ _____

PROPOSED BASE: \$ **36,100.00**

III. ATTORNEY'S FEES
(Treated as § 507 Priorities)

Outstanding balance as per Rule 2016(b) Fee Disclosure Statement: \$ **3,000.00**

Additional fees **\$350.00**

Adjusted Balance **\$3,350.00**

Signed: _____

Debtor

Joint Debtor

II. DISBURSEMENT SCHEDULE

A. ADEQUATE PROTECTION PAYMENTS OR _____ \$ _____

B. SECURED CLAIMS:

☐ Debtor represents no secured claims.

☒ Creditors having secured claims will retain their liens and shall be paid as follows:

1. ☒ Trustee pays secured ARREARS:

Cr. **DORAL BANK** Cr. _____ Cr. _____
 # **3181** # _____ # _____
 \$ **17,188.12** \$ _____ \$ _____

2. ☒ Trustee pays IN FULL Secured Claims:

Cr. **BBVA BANCO** Cr. _____ Cr. _____
 # **2166** # _____ # _____
 \$ **6,501.18** \$ _____ \$ _____

3. ☐ Trustee pays VALUE OF COLLATERAL:

Cr. _____ Cr. _____ Cr. _____
 # _____ # _____ # _____
 \$ _____ \$ _____ \$ _____

4. ☐ Debtor SURRENDERS COLLATERAL to Lien Holder:

5. ☐ Other:

6. ☒ Debtor otherwise maintains regular payments directly to:

DORAL BANK

C. PRIORITIES: The Trustee shall pay priorities in accordance with the law. 11 U.S.C. § 507 and § 1322(a)(2)

D. UNSECURED CLAIMS: Plan ☐ Classifies ☒ Does not Classify Claims.

1. (a) Class A: ☐ Co-debtor Claims / ☐ Other: _____
☐ Paid 100% / ☐ Other: _____

Cr. _____ Cr. _____ Cr. _____
 # _____ # _____ # _____
 \$ _____ \$ _____ \$ _____

2. Unsecured Claims otherwise receive PRO-RATA disbursements.

OTHER PROVISIONS: (Executory contracts; payment of interest to unsecureds, etc.)
See Continuation Sheet

Attorney for Debtor **Marilyn Valdes Ortega Law Offices**

Phone: **(787) 758-4400**

AMENDED CHAPTER 13 PAYMENT PLAN

Debtor(s)

AMENDED CHAPTER 13 PAYMENT PLAN
Continuation Sheet - Page 1 of 1

TRUSTEE TO PAY ATTORNEY'S FEES BEFORE ANY SECURED OR PRIORITY CREDITOR.

ADEQUATE PROTECTION PAYMENT TO BBVA (AUTO) UNTIL CONFIRMATION \$50.00 TO BE PAID BY TRUSTEE MONTHLY.

INSURANCE TO BBVA (AUTO) THROUGH UNIVERSAL AT THE END OF SALES CONTRACT IN THE APROXIMATE AMOUNT OF \$1,760.00 DISBURSEMENT TO UNIVERSAL INSURANCE TO BEGIN AT END OF THE SALES CONTRACT ON MARCH 2009

DEBTOR PROVIDES FOR THE LIFT OF STAY IN FAVOR OF DORAL FINANCIAL CORPORATION (MORTGAGE LOAN) FOR THE ACCOUNT ENDING # 0644

DEBTOR PROVIDES FOR THE LIFT OF STAY IN FAVOR OF DORAL BANK (MORTGAGE LOAN) FOR THE ACCOUNT ENDING #6762

BBVA BANCO: PO BOX 364745, SAN JUAN PR 00936-4745

DORAL BANK: PO BOX 70308, SAN JUAN PR 00936-8308

DORAL FINANCIAL: PO BOX 70308, SAN JUAN PR 00936-8308

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

EDGAR AMERICO MARTINEZ ROSARIO
GRISELL MARIECOVAS TORO

Debtor(s)

CASE NO. ; 08-08071 GAC

CHAPTER 13 (ASSET CASE)

CERTIFICATE OF SERVICE

TO THE HONORABLE COURT:

COMES (S) now Debtor(s) represented by the undersigned counsel and respectfully allege(s) and pray(s) as follows:

1. The undersigned attorney hereby certifies that has notified all creditors and persons with interest as per master address list of the Chapter 13, **AMENDED PLAN DATED 05/11/2009.**

WHEREFORE, it is respectfully requested from this Honorable Court to take notice of this service.

In San Juan, Puerto Rico, this 15th, day of May, 2009.

I HEREBY CERTIFY: That I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Chapter 13 Trustee **Alejandro Oliveras, Esq.**, US Trustee **Monsita Lecaroz Arribas** and to all those who in this case have registered for receipt of notice by electronic mail and I hereby certify that I have mailed by regular mail to all creditors listed on the attached Master Address List.

RESPECTFULLY SUBMITTED

/s/MARILYN VALDES ORTEGA
MARILYN VALDES ORTEGA
USDC PR 214711
P.O.Box 195596
San Juan, PR 00919-5596
Tel. (787) 758-4400
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GAP
PO BOX 530942
ATLANTA, GA 30353-0942

HOME DEPOT CREDIT SERVICES
PROCESSING CENTER
DES MOINES, IA 50364-0500

ISLAND FINANCE
PO BOX 195369
SAN JUAN, PR 00919-5369

JC PENNEY
PO BOX 960001
ORLANDO, FL 32896-0001

JC PENNEY
PO BOX 960090
ORLANDO, FL 32896-0090

LVNV Funding LLC
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

PENTAGON FEDERAL CREDIT UNION
PO BOX 247080
OMAHA, NE 68124-7080

PINNACLE FINANCIAL GROUP
7825 WASHINGTON AVE. S STE 310
MINNEAPOLIS, MN 55439-2424

PR ACQUISITIONS LLC
270 MUNOZ RIVERA AVENUE SUITE 400
SAN JUAN PR 00918-1910
866-600-4753

PUERTO RICO ELECTRIC POWER
BANKRUPTCY CLAIMS OFFICE
PO BOX 364267
SAN JUAN PR 00936-4267

Recovery Management Systems Corporation
For GE Money Bank
dba JC Penney Consumer Puerto
25 SE 2nd Ave Ste 1120
Miami FL 33131-1605

SAM'S CLUB
PO BOX 103104
ROSWELL, GA 30076-9104

TRIPLE-S PROPIEDAD
PO BOX 9023862
SAN JUAN, PR 00902-3862

WAL-MART
PO BOX 530927
ATLANTA, GA 30353-0927

eCAST Settlement Corporation assignee of Cap
One Bank
POB 35480
Newark NJ 07193-5480

ALEJANDRO OLIVERAS RIVERA
ALEJANDRO OLIVERAS, CHAPTER 13 TRUS
PO BOX 9024062
SAN JUAN, PR 00902-4062

EDGAR AMERICO MARTINEZ ROSARIO
PMB 58
PO BOX 1000
GARROCHALES, PR 00652-1000

GRISELL MARIE COVAS TORO
PMB 58
PO BOX 1000
GARROCHALES, PR 00652-1000

MARILYN VALDES ORTEGA
VALDES-ORTEGA
P O BOX 195596
SAN JUAN, PR 00919-5596

MONSITA LECAROS ARRIBAS
OFFICE OF THE US TRUSTEE (UST)
OCHOA BUILDING
500 TANCA STREET SUITE 301
SAN JUAN, PR 00901-1938

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Doral Bank
PO Box 70308
San Juan. PR 00936-8308

(u)MARTINEZ ROSARIO, EDGAR AMERICO
COVAS TORO, GRISELL MARIE
582-67-8114

End of Label Matrix
Mailable recipients 49
Bypassed recipients 2
Total 51

Label Matrix for local noticing
0104-3
Case 08-08071-GAC13
District of Puerto Rico
Old San Juan
Fri May 15 11:51:16 AST 2009

DORAL BANK INC
ALEJANDRO CAMPORREALE MUNDO ESQ
PO BOX 70308
SAN JUAN, PR 00936-8308

AEELA
P.O. BOX 364508
SAN JUAN, PR 00936-4508

BANCO BILBAO VIZCAYA ARGENTARIA PR
ANGEL M. VAZQUEZ BAUZA
PO BOX 191017
SAN JUAN PR 00919-1017

BBVA BANCO
PO BOX 364745
SAN JUAN, PR 00936-4745

CAPITAL ONE
PO BOX 70884
CHARLOTTE, NC 28272-0884

CITIFINANCIAL
AVE. LUIS MUNOZ MARIN
AB #10
CAGUAS, PR 72649

DEPARTAMENTO DE HACIENDA
PO BOX 9024140
OFICINA 424 B
SAN JUAN, PR 00902-4140

DORAL BANK
PO BOX 71306
SAN JUAN, PR 00936-8406

ECMC
P.O. Box 75906
Saint Paul, MN 55175-0906

AEELA
AEELA
P O BOX 70199
SAN JUAN, PR 00936-8199

RECOVERY MANAGEMENT SYSTEMS CORP
FOR GE MONEY BANK (DBA JCPENNEY)
25 SE 2ND AVE, SUITE 1120
MIAMI, FL 33131-1605

AES/PHEAA
PO Box 8147
Harrisburg PA 17105-8147

BANCO POPULAR DE PR
PO BOX 366818
SAN JUAN PUERTO RICO 00936-6818

BUFETE GARCIA & FERNANDEZ
C/O JUAN D. GARCIA CHAMORRO
CALLE BOLIVIA 33, SUITE 701
SAN JUAN, PR 00917-2010

CARDMEMBER SERVICE
PO BOX 9001074
LOUISVILLE, KY 40290-1074

COMMUNITY READERS CLUB
PO BOX 3089
REDONDO BEACH, CA 90277-1089

DEPARTAMENTO DEL TRABAJO
AVE. MUOZ RIVERA 505
HATO REY, PR 00918-3352

Doral Bank
PO Box 70308
San Juan, PR 00936-8308

FEDERAL LITIGATION DEPT OF JUSTICE
PO BOX 9020192
SAN JUAN, PR 00902-0192

BANCO BILBAO VIZCAYA
ANGEL VAZQUEZ BAUZA ESQ
PO BOX 191017
SAN JUAN, PR 00919-1017

US Bankruptcy Court District of P.R.
U.S. Post Office and Courthouse Building
300 Recinto Sur Street, Room 109
San Juan, PR 00901-1964

AMERICAN EDUCATION SERVICES
PO BOX 8147
HARRISBURG, PA 17105-8147

BANCO SANTANDER
PO BOX 362589
SAN JUAN, PR 00936-2589

CALIFORNIA STUDENT AID COMMISSION
C/O WINDHAM PROFESSIONAL, INC.
PO BOX 1048
SALEM, NH 03079-1048

CITI CARDS
PO BOX 183057
COLOMBUS, OH 43218-3057

COOP A C EMPL CENTRO MEDICO
PO BOX 2129
SAN JUAN PR 00922-2129

DIVERSIFIED COLLECTION SERVICES, INC
PO BOX 9057
PLEASANTON, CA 94566-9057

Doral Bank-Consumo
PO Box 363814
San Juan, PR 00936-3814

FIRST PREMIER BANK
PO BOX 5519
SIOUX FALLS, SD 57117-5519